

HOUSE BILL No. 1219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Handgun licenses and local firearms regulation. Provides that, for purposes of the law concerning access to public records: (1) information submitted by a person to obtain or renew a license to carry a handgun; (2) information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun; and (3) the name, address, and any other information that may be used to identify a person who holds a license to carry a handgun; is confidential, may not be published, and is not open to public inspection. Specifies that: (1) any information concerning an applicant for or a person who holds a license to carry a handgun may be released to a federal, state, or local government entity for law enforcement purposes or to determine the validity of a license to carry a handgun; or (2) aggregate information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic research, but only if all personal information that could disclose the identity or address of any person who holds a license to carry a handgun has been removed from the aggregate information. Repeals provisions that allow certain political subdivisions to adopt emergency ordinances to regulate firearms if a local disaster emergency has been declared.

Effective: July 1, 2010.

Murphy, Noe

January 11, 2010, read first time and referred to Committee on Natural Resources.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1219

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.155-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 3. (a) A person desiring a license to carry a
4 handgun shall apply:

5 (1) to the chief of police or corresponding law enforcement officer
6 of the municipality in which the applicant resides;

7 (2) if that municipality has no such officer, or if the applicant does
8 not reside in a municipality, to the sheriff of the county in which
9 the applicant resides after the applicant has obtained an
10 application form prescribed by the superintendent; or

11 (3) if the applicant is a resident of another state and has a regular
12 place of business or employment in Indiana, to the sheriff of the
13 county in which the applicant has a regular place of business or
14 employment.

15 The superintendent and local law enforcement agencies shall allow an
16 applicant desiring to obtain or renew a license to carry a handgun to
17 submit an application electronically under this chapter if funds are



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1 available to establish and maintain an electronic application system.

2 (b) The law enforcement agency which accepts an application for a
3 handgun license shall collect the following application fees:

4 (1) From a person applying for a four (4) year handgun license, a
5 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
6 refunded if the license is not issued.

7 (2) From a person applying for a lifetime handgun license who
8 does not currently possess a valid Indiana handgun license, a fifty
9 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
10 refunded if the license is not issued.

11 (3) From a person applying for a lifetime handgun license who
12 currently possesses a valid Indiana handgun license, a forty dollar
13 (\$40) application fee, thirty dollars (\$30) of which shall be
14 refunded if the license is not issued.

15 Except as provided in subsection (h), the fee shall be deposited into the
16 law enforcement agency's firearms training fund or other appropriate
17 training activities fund and used by the agency to train law enforcement
18 officers in the proper use of firearms or in other law enforcement
19 duties, or to purchase firearms or firearm related equipment, or both for
20 the law enforcement officers employed by the law enforcement agency.
21 The state board of accounts shall establish rules for the proper
22 accounting and expenditure of funds collected under this subsection.

23 (c) The officer to whom the application is made shall ascertain the
24 applicant's name, full address, length of residence in the community,
25 whether the applicant's residence is located within the limits of any city
26 or town, the applicant's occupation, place of business or employment,
27 criminal record, if any, and convictions (minor traffic offenses
28 excepted), age, race, sex, nationality, date of birth, citizenship, height,
29 weight, build, color of hair, color of eyes, scars and marks, whether the
30 applicant has previously held an Indiana license to carry a handgun
31 and, if so, the serial number of the license and year issued, whether the
32 applicant's license has ever been suspended or revoked, and if so, the
33 year and reason for the suspension or revocation, and the applicant's
34 reason for desiring a license. The officer to whom the application is
35 made shall conduct an investigation into the applicant's official records
36 and verify thereby the applicant's character and reputation, and shall in
37 addition verify for accuracy the information contained in the
38 application, and shall forward this information together with the
39 officer's recommendation for approval or disapproval and one (1) set
40 of legible and classifiable fingerprints of the applicant to the
41 superintendent.

42 (d) The superintendent may make whatever further investigation the

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superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a handgun;

(2) is of good character and reputation;

(3) is a proper person to be licensed; and

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the

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time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

- (1) changes the person's name;
- (2) changes the person's address; or
- (3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;

the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

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(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

(l) Except as provided in subsection (m), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

(1) Information submitted by a person under this section to:

(A) obtain; or

(B) renew;

a license to carry a handgun.

(2) Information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to:

(A) obtain; or

(B) renew;

a license to carry a handgun issued under this chapter.

(3) The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.

(m) Notwithstanding subsection (l):

(1) any information concerning an applicant for or a person who holds a license to carry a handgun issued under this chapter may be released to a federal, state, or local government entity:

(A) for law enforcement purposes; or

(B) to determine the validity of a license to carry a handgun; and

(2) aggregate information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic research, but only if all personal information that could disclose the identity or address of any person who holds a license to carry a handgun issued under this chapter has been removed from the aggregate information.

SECTION 2. IC 35-47-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) ~~Section 2 of This~~ chapter applies to all units (as defined in IC 36-1-2-23). ~~All other sections of this chapter apply to all units other than townships.~~

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(b) This chapter applies only if a statute expressly grants a legislative body the authority to adopt an emergency ordinance under this chapter.

(c) (b) This chapter does not affect the validity of an ordinance adopted before, and in effect on, January 1, 1994.

SECTION 3. IC 35-47-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Notwithstanding IC 36-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

(1) This chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2.1-17-14).

(2) Notwithstanding the limitation in this section, a unit may use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(3) Notwithstanding the limitation in this section, a legislative body of a unit other than a township may adopt an emergency ordinance or a unit other than a township may take other action allowed under section 6 of this chapter to regulate the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the regulatory action takes effect.

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 35-47-11-3; IC 35-47-11-4; IC 35-47-11-5; IC 35-47-11-6.

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